IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4549/2004
(Sang Singh Vs. State of Rajasthan & Ors.)

Date of Order : 10/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. L.D.Khatri for the petitioner.
Mr. B.L.Tiwari, Dy. Govt. Advocate for the respondents.

BY THE COURT:-

By an application being I.A. No.1884/07 the petitioner submits that the controversy involved in the instant writ petition stands concluded by the decision of this Court in Mehardin Vs. State of Rajasthan and Ors. S.B.Civil Writ Petition No. 4548/04, decided on 01.05.2007 by which this Court while allowing the writ petition directed the respondents to allow the pension and all other post retiral benefits to the petitioner therein and therefore, the instant writ petition may also be decided in view of the decision of this Court in Mehardin Vs. State of Rajasthan.

Heard learned counsel for the parties.

By the instant writ petition under Article 226 of the

Constitution of India, the petitioner has claimed pension and other retiral benefits being a retired government servant.

It is contended in the writ petition that the petitioner on achieving the age of 60 years retired from the services of the department of Forest on 3.4.2001. The respondents vide a Pension Payment Order No. 636830 allowed provisional pension to the petitioner, however, no regular pension was given to him.

The contention of the counsel for the petitioner is that the petitioner has completed qualifying service as prescribed under the relevant Rules and therefore, is entitled for getting regular pension.

It is contended by learned counsel for the respondents that by an order dated 14.7.1999, the petitioner was taken on regular cadre of the government service with application of Rajasthan Civil Services Rules, 1951, however, the order aforesaid was withdrawn by the Dy. Conservator of Forest, Indira Gandhi Nahar Pariyojna, Stage-II, Division-II, Bikaner by an order dated 02.08.2003. In view of withdrawal of the order aforesaid, according to the respondents, the petitioner is not entitled for any pensionary benefits. During course of hearing, it was noticed that this Court in SBCWP No. 1639/2000, while admitting the aforesaid petition for writ, stayed the operation of the order whereby regular cadre granted to the petitioner was withdrawn. It is quite fairly pointed out by learned counsel for

the respondents that the Dy. Conservator of Forest, Indira Gandhi Nahar Pariyojna, Stage-II, Divisoin-II, Bikaner under an order dated 02.08.2003 has already cancelled the order dated 20.4.2003 as a consequent thereto the order of regularization of the petitioner in service dated 14.7.1999 stands restored. A photo copy of the order dated 02.08.2003 is already on record as Annex.7. In view of the restoration of the order dated 14.7.1999 no reason now remains available with the respondents to deny pension to the petitioner.

Accordingly this writ petition is allowed and the respondents are directed to allow pension and all other post retiral benefits to the petitioner in accordance with law within a period of three months from today. The application being I.A. No. 1884/07 also stands disposed of. No order as to costs.

(H.R.PANWAR),J.

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